



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

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|--------------------|-------------|-----------------------|---------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|--------------------|-------------|-----------------------|---------------------|

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| EXAMINER |
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| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

8

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☒ This communication is responsive to PAPER NOS. 6 + 7
- ☒ The allowed claim(s) is/are 1, 3-13, 15-17, + 19-26
- ☒ The drawings filed on 2/16/99 are acceptable.

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR REPLY to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____
- ☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Interview Summary, PTO-413
- ☐ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☒ Examiner's Statement of Reasons for Allowance

William E. Kamm
Primary Examiner

Art Unit: 3737

DETAILED ACTION

1. Acknowledgment is made of applicant's amendment which was received by the Office on February 16, 1999. This document has been made of record in the file as Paper No.6.
2. Claims 2, 14, and 18 are canceled.

Drawings

3. The corrected formal drawings were received on February 16, 1999. These drawings are approved by both the Examiner and the Draftsperson..
4. In view of the applicant's cancellation of claim 14, the Examiner is withdrawing the 37 CFR 1.83(a) objection which was made against the drawings in the last Office action.

Claim Objections

5. In view of the applicant's amendments correcting the dependency of claims 7 and 8, the Examiner is withdrawing the objections which were made against these claims in the last Office action.

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Claim Rejections - 35 USC § 112

6. In view of applicant's modifications to the claims, the Examiner is withdrawing the 35 U.S.C 112 rejections which were made against claims 3, 13, 14, 16, and 17 in the last Office action.

Claim Rejections - 35 USC § 102

7. Upon further reconsideration of applicant's arguments and amendments to the claims, the Examiner is withdrawing the 35 U.S.C 102(e) rejection of Swoyer '445 which was made against claims 1, 4, and 5 in the last Office action.
8. Claims 1, 3-13, 15-17, and 19-26 are now deemed to be allowable over the prior art of record for the reasons given below in the Examiner's statement of reasons for allowance.

Reasons for Allowance

9. The following is an examiner's statement of reasons for allowance:

Independent claim 1, as amended, now recites the structure of a pacing lead having the distinguishing feature of a "preformed shape" in the form of a wave "exhibiting a series of peaks and valleys" for engaging the walls of the great coronary vein at "a predetermined number of discrete, longitudinally spaced points". Additionally, the lead is "dimensioned" so that it may pass through the coronary sinus vein and into the great coronary vein.

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Although the Swartz et al '223 and Brownlee '693 patents, cited in this Office Action, describe leads each having a wave-like "preformed shape", neither of these leads is "dimensioned" to fit into the coronary sinus vein. Instead, both are "dimensioned" to contact a patient's superior vena cava. In addition, the Swartz et al patent fails to recite a lead having a "terminal pin" attached to its distal end while the Brownlee device's waves are not "immediately proximal" to its electrode.

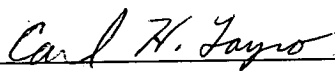
The Swoyer '445 patent, cited in the last Office Action, is "dimensioned" to fit into the patient's coronary sinus vein, but its pre-formed shape is not wave-like and fails to exhibit "a series of peaks and valleys" as required.

Lacking any teachings or suggestions in the prior art for using a wave-like shape in a pacing lead dimensioned for insertion into a patient's coronary sinus vein and, additionally, having all of applicant's claimed lead features, the Examiner deems independent claim 1 and all of its depending claims to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl H. Layno whose telephone number is (703) 308-3694.

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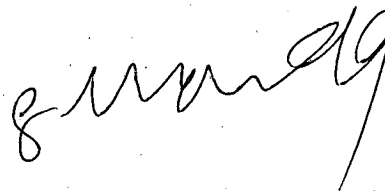
Carl H. Layno
Examiner, Group AU 3737

CHL
March 4, 1999



William E. Kamm
Primary Examiner, Group AU 3737

William E. Kamm
Primary Examiner





UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

CORRECTED COPY

QM41/0311

THOMAS J. NIKOLAI
HAUGEN & NIKOLAI
820 INTERNATIONAL CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402-3325

| APPLICATION NO. | FILING DATE | TOTAL CLAIMS | EXAMINER AND GROUP ART UNIT | DATE MAILED |
|-----------------------|---------------------|--------------|-----------------------------|-------------|
| 09/027,821 | 02/23/98 | 023 | LAYNO, C | 03/11/99 |
| First Named Applicant | CHASTAIN, STUART R. | | | |

TITLE OF INVENTION: INTRAVENTOUS CARDIAC LEAD WITH WAVE SHAPED FIXATION SEGMENT
(AS AMENDED)

| ATTY'S DOCKET NO. | CLASS-SUBCLASS | BATCH NO. | APPLN. TYPE. | SMALL ENTITY | FEE DUE | DATE DUE |
|-------------------|----------------|-------------|--------------|--------------|---------|--------------------|
| 3 | 970725.0RI | 607-122.000 | 015 | UTILITY | NO | \$1210.00 06/11/99 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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